

SEP 23 1993

FCC - MAIL ROOM

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

In the Matter of)	RE: MM DOCKET # 93-221
Amendment of Section 73.202 (B))	8265
Table of Allotments)	RM-8625
FM Broadcast Stations)	
E. WENATCHEE, WASHINGTON)	

TO: The Chief, Mass Media Bureau
The Chief, Allocations Branch

Comments and Counterproposal

Brian J. Lord hereby respectfully comments on the Notice of Proposed Rule Making and Order to Show Cause, DA 93-947, released August 4, 1993 (NPRM), and proposes the following counter-proposal:

CITY	EXISTING CHANNEL	PROPOSED CHANNEL
CLE ELUM, WA.	NONE	229C3
EPHRATA, WA.	222C2, 230C2, 240A*	222C2

* Note. Radio Station KULE is currently operating on Ch. 240A. They have made application to move to vacant Ch. 222C2 and Ch. 240A will be deleted.

In support thereof, the following is submitted:

1. In the NPRM, the FCC proposed to delete Channel 230C2 from Ephrata, substitute Channel 238A for 228A at Chelan, and add 229C2 with a site restriction to East Wenatchee as its second local service. That proposal offers no net gain in service, only a

No. of Copies rec'd
List A B C D E

024

switching around of channels. While Ephrata would lose its second local service, East Wenatchee would gain its second local service. Further, the City of Wenatchee, just across the river from East Wenatchee, and also on the same side of the river to which the site for second East Wenatchee allotment would be restricted, already has Channels 271C and 285C2 assigned.

2. In contrast, Brian J. Lord's counterproposal would add first local service and first full-time FM service to Cle Elum. In terms of serving the Commission's priorities, Brian J. Lord's counterproposal is far superior to the proposal in the NPRM. Provision for first local service should be preferred over the proposed second local service for East Wenatchee.

3. For Brian J. Lord's counterproposal to meet the FCC's minimum spacing requirements, Channel 230C2 would have to be deleted from Ephrata, as was proposed in the NPRM. (See Note 1 below)

4. An engineering statement supporting Brian J. Lord's counterproposal and showing compliance with the FCC's spacing

Note 1 Brian J. Lord notes that when the NPRM was adopted on July 21, 1993, Channel 230C2 at Ephrata was vacant. Coincidentally, on July 21, 1993, an application was filed for Channel 230C2 at Ephrata by TRMR, Inc. (Public Notice Report No. 15591, released August 10, 1993), represented by the same counsel that represents petitioner Hartline Broadcasters. Although that application would seem to moot the proposal in the NPRM as well as this counterproposal, in the event that TRMR, Inc. application is withdrawn as a placeholder by Hartline's counsel, Brian J. Lord's counterproposal would continue to have priority over Hartline's proposal as set forth in the NPRM.

requirements is attached. Canadian concurrence for the allotment to Cle Elum must be obtained as it is within 320 kilometers (200 miles) from the U. S.-Canadian border.

5. Brian J. Lord hereby states his intention to apply for a construction permit for Channel 229C3 if it is allotted to Cle Elum, and, if granted, to build and operate the station on that channel.

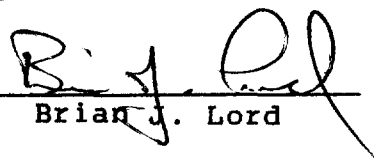
6. Brian J. Lord states that to the best of his knowledge all of the above statements are true.

Wherefore, in light of the foregoing, Brian J. Lord respectfully requests that the Commission reject the proposal in the NPRN and that it amend the FM Table of Allotments to assign Channel 229C3 to Cle Elum, Washington.

7. Please address any communication regarding this Petition to:

Brian J. Lord
13313 SE 208th St.
Kent, Washington 98042

Respectfully submitted

By 
Brian J. Lord

September 21, 1993

ENGINEERING EXHIBITS

ENGINEERING EXHIBITS

A REQUEST TO AMEND SECTION
73.202, FOR ALLOCATION OF
FM CHANNEL 229C3 TO
Cle Elum, Washington

APPLICANT:
Brian J. Lord
Cle Elum, Washington

KENNETH WILLIAMS, Jr., P.E.
CONSULTING ENGINEER

P.O. BOX 7703
TACOMA, WA 98407

(206) 756-7544

GENERAL ENGINEERING STATEMENT

The following Engineering data supports a request of Brian J. Lord, Cle Elum, Washington to amend the FM table of Allotments. Allotment of channel 229 as a class C3 to Cle Elum, Washington.

With the changes proposed herein channel 229C3 will not be in conflict with any presently assigned or allotted channels. Results of this assignment will not cause short spacing to existing or proposed stations in the U.S. or Canada, thus permitting us to request change in the FM Table of FM Allotments in section 73.202(b) of the Commissions Rules.

THE PROPOSED CHANGE IN THE RULES ARE:

Cle Elum, Washington

Existing

Proposed
229C3

All distance figures used in this report are metric and distance calculations were made using methods specified in Section 73.208 of the FCC Rules.

As shown on the following pages, all channel spacings are within the Commission's current minimum separation requirements at the petitioner's proposed transmitter site.

Another consideration were the 10.6-10.8 MHz. spacings. These channels, 282 and 283 were searched out to a distance of 100 km. Print out of this information is shown as figure No. 2.

PROPOSED CHANGES TO TABLE OF ALLOTMENTS

Shown as *[1] on our attached C3 channel study, RM 8265 has a request by Hartline Broadcasting to allot channel 229 to East Wenatchee, Washington. Our request is channel 229 be allotted to Cle Elum, Washington as a class C3 channel. Shown as *[3] is RM 8265 for channel 230C2 as deleted from Ephrata, Washington, rather than deleted we are requesting it be allotted to Moses Lake, Washington as channel 230C3. At *[2] shows channel 230C2 as vacant at Ephrata, Washington. Again we request this channel be deleted for Ephrata, and allotted to Moses Lake, Washington at the coordinates of N. 47° 06' 04", W. 119° 19' 59". Channel 229 from the proposed East Wenatchee location to Cle Elum, Washington at N. 47° 10' 30", W. 120° 46' 00" as 229C3. Channel 222C2 continues to serve Ephrata.

With these changes, distance between channel 229C3 Cle Elum and channel 230C3 Moses Lake is 109 km. This is greater by 10 km, than the required minimum of 99 km for C3 class stations.

With the transmitter site coordinates shown above, each community is well within the 3.16 mV/m contour, there are no obstructions between the transmitter site and community of license.

Shown on the following pages are figures and exhibits which support or request.

CLASS C3 FM CHANNEL STUDY
** CHANNEL 229 **

FIGURE No. 1

REFERENCE SITE - Cle Elum, Washington

N. 47 10 30 W. 120 46 0

CHANNEL CALL & CLASS STATUS		Owner/Applicant CITY STATE	FILE No.	Horz->AHAAT/ERP/AMSL Vert->AHAAT/ERP/AMSL	(m) (kw) (m)	LATITUDE LONGITUDE	AZIMUTH [MARGIN]	DIST. (km)
93.1 Mhz.								
226 D	FR	Princeton BC				49-28-10 120-32-54	3.6 201.6 KM	255.6 CLEAR
93.1 Mhz.								
226 A	FR	Princeton BC				49-28-10 120-32-54	3.6 201.6 KM	255.6 CLEAR
93.1 Mhz.								
226 C2	FA VACA	Omak WA				48-21-19 119-37-43	33.0 100.5 KM	156.5 CLEAR
93.3 Mhz.								
227 C	KUBE FM LIC	Cook Inlet Radio License Partnership, L.P. Seattle WA	BLH 831004AF	393 99. 518 393 99. 518		47-32-39 122- 6-29	292.1 13.3 KM	109.3 CLEAR
93.3 Mhz.								
227 A	NEW FM	Christina Lake BC		-244 .088		49- 0-28 118-10-57	43.3 218.2 KM	280.2 CLEAR
93.3 Mhz.								
227 C1	KTELFM FM LIC	Comcast Media Services, Inc. Walla Walla WA	BLH 911202KA	420 42. 1163 420 42. 1163		45-59-19 118-10-28	123.6 162.4 KM	238.4 CLEAR
93.5 Mhz.								
228 A	FR DEL	Hartline Broadcasters Chelan WA	RM 8265			47-51- 7 119-52-18	41.8 12.0 KM	101.0 CLEAR
93.5 Mhz.								
228 A	KOZIFM FM LIC	The Northcentral B/Cting Company Chelan WA	BMLH 910204KE	317 .590 986 317 .590 986		47-51- 7 119-52-18	41.8 12.0 KM	101.0 CLEAR
93.7 Mhz.								
229 C	KPDQFM FM LIC	Salem Media of Oregon, Inc. Portland OR	BLH 900828KD	387 97. 480 387 97. 480		45-29-20 122-41-40	218.4 2.0 KM	239.0 CLEAR
93.7 Mhz.								
229 C	KDRKFM FM LIC	Price Broadcasting Company Spokane WA	BLH 7372	725 56. 1573 725 56. 1573		47-34-13 117- 5- 0	81.0 44.5 KM	281.5 CLEAR
93.7 Mhz.								
229 B	CBTPFM FM	Penticton BC		225 1.85		49-31-44 119-38-25	17.7 51.7 KM	274.7 CLEAR

FIGURE No. 1

C3 CHANNEL STUDY

```

=====
CHANNEL CALL      Owner/Applicant      (m) (kw) (m)      (deg) (km)
& CLASS STATUS  CITY      Horz->AHAAT/ERP/AMSL  LATITUDE AZIMUTH DIST.
STATE FILE No.  Vert->AHAAT/ERP/AMSL  LONGITUDE [ MARGIN ]
=====
    93.7 Mhz.
229 C  CJJRFM  Vancouver      686  75.      49-21-29  326.3      291.9
    FM      BC      686  75.      122-57- 9   32.9 KM CLEAR

    93.7 Mhz.  Hartline Broadcasters
229 C2      East Wenatchee      47-25-18  46.7      40.0
    FR  ADD  WA      RM 8265      120-22-53 -137.0 KM SHORT *[ 1 ]

    93.9 Mhz.
230 C2      Ephrata      47-13-16  86.9      94.5
    FA  VACA WA      119-31-12 -22.5 KM SHORT *[ 2 ]

    93.9 Mhz.  Hartline Broadcasters
230 C2      Ephrata      47-13-16  86.9      94.5
    FR  DEL  WA      RM 8265      119-31-12 -22.5 KM SHORT *[ 3 ]

    94.1 Mhz.  Clarkston Broadcasters, Inc.
231 C  KCLKFM  Clarkston      376 100.  969  46-27-27  105.9      290.7
    FM  LIC  WA      BLH 831227AC  376 100.  969  117- 6- 3  194.7 KM CLEAR

    94.1 Mhz.  Professional Broadcasting, Incorporated
231 C  KMPSFM  Seattle      714  57.  940  47-30-14  291.8      98.3
    FM  LIC  WA      BLH 890912KB  714  57.  940  121-58-29   2.3 KM CLEAR

    94.1 Mhz.
231 A  CBYRFM  Rock Creek      10 .040      49- 2-28  32.5      246.0
    FM      BC      10 .040      118-59-28 184.0 KM CLEAR

    94.3 Mhz.  Kay Broadcasting, Inc.
232 A  KKEE    Long Beach      71 3.00  104  46-18-51  249.1      268.5
    FM  LIC  WA      BLH 880401KC  71 3.00  104  124- 3- 7  226.5 KM CLEAR

```

>>>>> END OF CHANNEL 229 SEARCH <<<<<<

FIGURE No. 2

10.6-10.8 mHz CHANNEL SPACINGS

FM WITHIN 250 km
 ** CHANNELS 282 TO 283 **

REFERENCE SITE - Cle Elum, Washington N. 47 10 30 W. 120 46 0

```
=====
Owner/Applicant      (m) (kw) (m)
CHANNEL CALL CITY    Horz->AHAAT/ERP/AMSL LATITUDE (deg) (km)
& CLASS STATUS STATE FILE No. Vert->AHAAT/ERP/AMSL LONGITUDE AZIMUTH DIST
=====
  104.3 Mhz. Bellingham Buyer, Inc.
282 C KAFE Bellingham 704 60. 748 48-40-48 317.2 228.0
FM LIC WA BLH 4978 704 60. 748 122-50-24

  104.5 Mhz. Mercer Island School District #400
283 D KMIH Mercer Island 71 .014 134 47-34-19 292.0 117.9
FM CP WA BPED 920602MA 122-12-55

  104.5 Mhz. Mid Columbia Broadcasting, Inc.
283 C KMQQ The Dalles 610 100. 998 45-42-41 189.4 164.9
FM LIC OR BLH 850916KS 610 100. 998 121- 7- 7
=====
```

>> END OF FM WITHIN 250 km STUDY <<

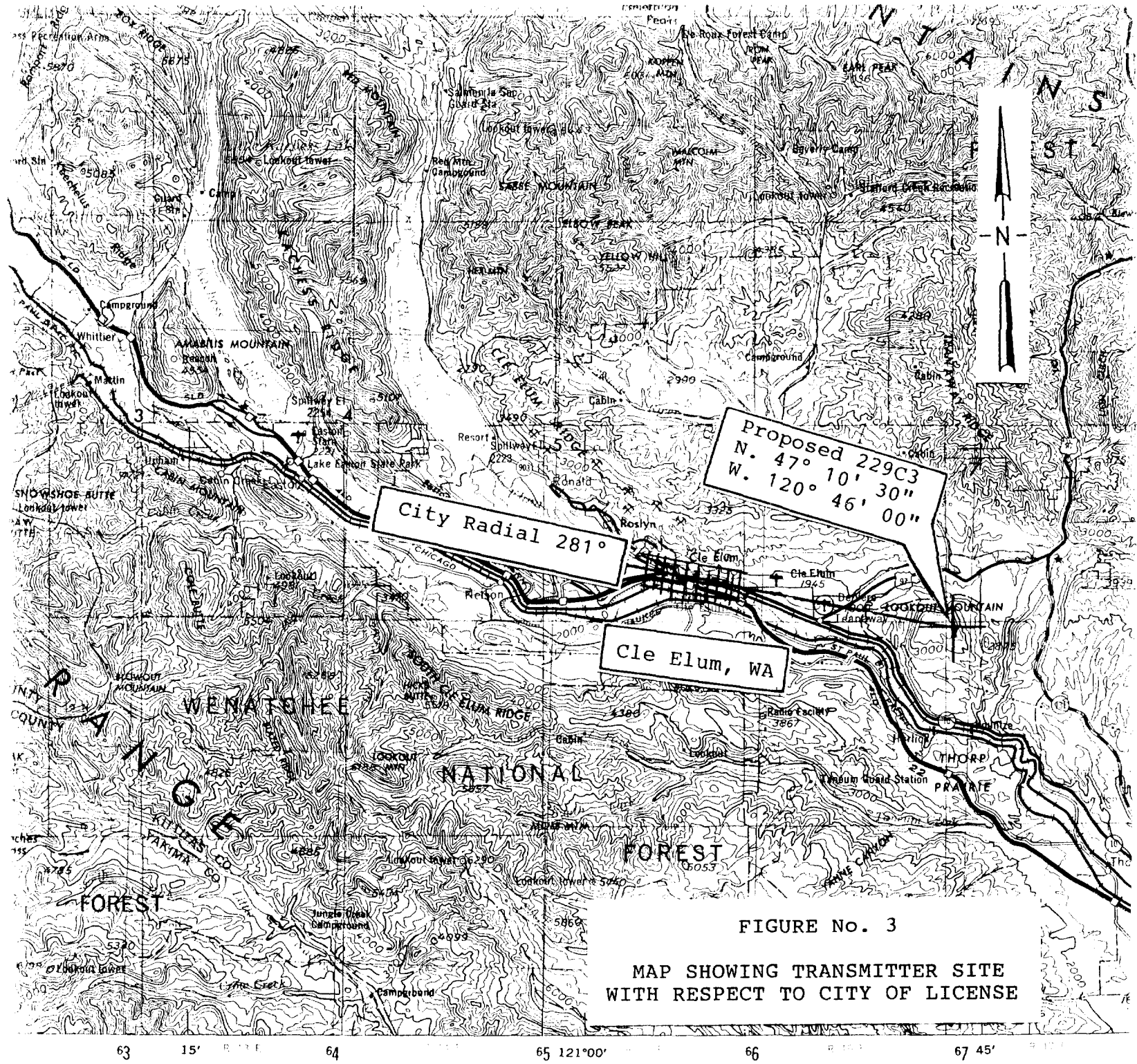
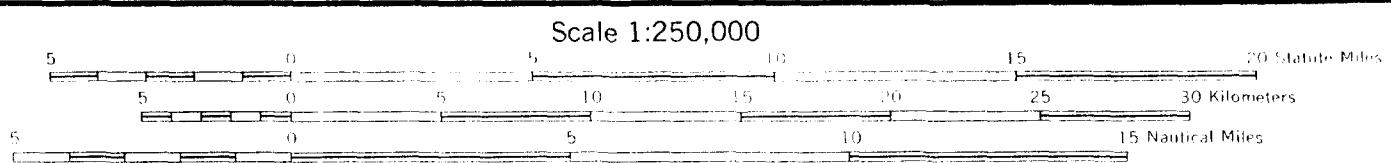


FIGURE No. 3
 MAP SHOWING TRANSMITTER SITE
 WITH RESPECT TO CITY OF LICENSE



CONTOUR INTERVAL 200 FEET
 WITH SUPPLEMENTARY CONTOURS AT 100 FOOT INTERVALS

TRANSVERSE MERCATOR PROJECTION

BLACK NUMBERED LINES INDICATE THE 10,000 METER UNIVERSAL TRANSVERSE MERCATOR GRID, ZONE 10

1970 MAGNETIC DECLINATION FROM TRUE NORTH VARIES FROM 22° (390 MILS) EASTERLY FOR THE CENTER OF THE WEST EDGE TO 21½° (380 MILS) EASTERLY FOR THE CENTER OF THE EAST EDGE

FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242

ENGINEERS CERTIFICATION

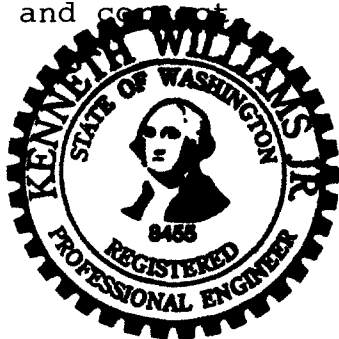
STATE OF WASHINGTON)

) ss

COUNTY OF PIERCE)

Kenneth Williams, Jr., P.E., being duly sworn on his oath, states that he is an experienced and qualified Radio Engineer, licensed as a Registered Professional Electrical Engineer in the States of Washington and Oregon and as such maintains an office for the practice of Electrical and Communications Engineering. Having been in continuous practice as a Consulting Engineer for over 30 years, his qualifications are thus a matter of record with the Federal Communications Commission and the Federal Aviation Administration.

The Engineering data herein, was prepared by him or under his direct supervision and all representation of fact contained in said report is based on affiants measurements, information and belief and he believes all such statements herein to be true and correct.



Kenneth Williams, Jr. P.E.
(Kenneth Williams, Jr., P.E.)
(affiant)

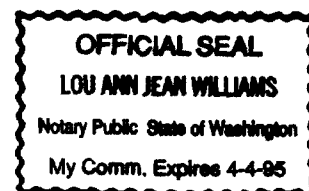
ENGINEERS STATE SEAL

EXPIRES: 7-15-95

Sworn to before me, Lou Ann Jean Williams a
Notary Public of Tacoma, Washington, on this 17th
day of September, 1993.

My Commission Expires April 4, 1995.

NOTARY STATE SEAL:



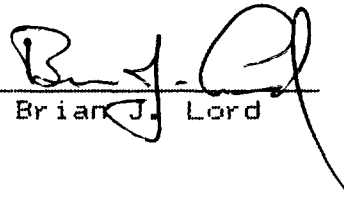
Certification of Service

I, Brian J. Lord, hereby certify that the foregoing document was mailed this date by United States Mail, postage prepaid, to the following.

John F. Garziglia, Esq.
Pepper & Corazzini
1776 K. Street, N. W., Suite 200
Washington, D. C. 20006
Counsel for Hartline Broadcasters

Northcentral Broadcasting
P. O. Box 819
Chelan, WA. 98816
Licensee for KOZI-FM

Lee W. Shubert, Esq.
Haley, Bader, & Potts
4350 N. Fairfax Drive
Arlington, VA. 22203-1633
Counsel for Northcentral Broadcasting

By 
Brian J. Lord

September 21, 1993